

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TIMOTHY SARVIS,

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Plaintiff,

*

v.

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Civil Action No. _____

METABOLIFE INTERNATIONAL, INC., *

et al.,

*

Defendants.

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NOTICE OF REMOVAL

Defendant, The Chemins Company, Inc., by its attorneys, Kristine A. Crosswhite, Susan E. Smith, and Crosswhite, Limbrick, & Sinclair, LLP, hereby files this Notice of Removal of the civil action captioned *Timothy Sarvis v. Metabolife International, Inc., et al.*, Case No. 24-C-05-006984 OT (the “State Court Action”) from the Circuit Court of Maryland for Baltimore City to the United States District Court for the District of Maryland. This Notice is filed pursuant to 28 U.S.C. §§ 1441(a) and 1446. As grounds for removal, the defendant states:

1. A copy of the Complaint in the State Court Action was served on The Chemins Company, Inc. on or about August 15, 2005. A copy of the Complaint that was served on the Chemins Company is attached hereto as Exhibit A in accordance with 28 U.S.C. § 1446(a).

2. The plaintiff is a resident of the State of Maryland.

3. The Chemins Company is a Colorado corporation whose principal place of business is located at 1835 E. Cheyenne Road, Colorado Springs, Colorado. Defendant Metabolife International, Inc. is a California corporation with a principal place of business at 5643 Copley Drive, San Diego California. Defendant Alpine Health Products is a Utah business entity with a principal place of business at 1525 W. Business Park Drive in Orem, Utah.

Defendant Rite Aid Corporation is a Pennsylvania corporation with a principal place of business at 30 Hunter Lane, Camp Hill, Pennsylvania.

4. The matter in controversy in the State Court Action exceeds the sum or value of seventy-five thousand dollars (\$75,000.00).

5. The Chemins Company may remove the State Court Action to this Court “if none of the parties in interest properly joined and served as defendants” are citizens of the State of Maryland. 28 U.S.C. § 1441(b).

6. This Notice is being filed within thirty (30) days after service of the Summons and Complaint on The Chemins Company, and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).

7. The defendant, The Chemins Company, hereby certifies that, in accordance with 28 U.S.C. § 1446(d), the written notice of filing of this Notice of Removal will be served promptly on all parties and, together with a copy of the Notice of Removal, will be filed with the Clerk of the Circuit Court for Baltimore City.

WHEREFORE, based upon diversity of citizenship between the parties to this action, removal pursuant to 28 U.S.C § 1441(a) is appropriate.

Respectfully submitted,

/s/

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